REMARKS

In the January 27, 2004 Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-40 stand rejected in view of prior art, while claims 8, 9, 13, and 14 were indicated as containing allowable subject matter. Claims 38 and 40 also were objected to due to informalities. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the January 27, 2004 Office Action, Applicant has amended the specification and claims 1-17, 21-24, 26, 27, 30, 34-36, 38, and 40 as indicated above. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. A new independent claim 41 has been added. Thus, claims 1-24, 26, 27, 30-41 are pending, with claims 1, 3, 5, 10, 15, 16, 17, 23, 24, 26, 34, 35, and 41 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification

Applicant has amended the specification to provide antecedent basis for the language in the amended claims. Applicant has also amended the title to make it correspond to the amended claims. Applicant believes that the specification is correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1).

Claim Objections

In paragraph 3 of the Office Action, claims 38 and 40 were objected to for the use of the language "WWW server." The Office Action further suggests amending the claims to change the language to – web server – or to – a server permitting access to the World Wide Web --.

Accordingly Applicant has amended claims 38 and 40 to change the objected language to one of the suggested languages. Applicant wishes to thank the Examiner for his helpful suggestion. Applicant believes that claims 38 and 40 now do not contain any informalities. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 4 of the Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,616,613 to Goodman ("Goodman patent"). In response, Applicant has amended independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35 to clearly define the present invention over the prior art of record.

More specifically, independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35 have been amended to recite that the analysis device obtains an *analysis result* which corresponds to the measurement data by processing or converting the measurement data. In other words, claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35 as now amended require that the measurement data, which is the input data, be converted into the analysis result, which is the output data and is obtained based on the input measurement data. Applicant believes that this arrangement is *not* disclosed or suggested by the Goodman patent or any other prior art of record.

The Office Action asserts that the Goodman patent discloses the processing of the measurement data by the analysis device in column 4, 13-21 and column 34, lines 8-41. More specifically, the Office Action asserts that the Web server 16 performs the processing of the measurement data. However, Applicant believes that the Goodman patent does not disclose a processing of the measurement data by the analysis device that produces an

analysis result based on the measurement data, as required by claims 1, 3, 5, 10, 15-17, 23-24,

26, and 34-35 as now amended.

First of all, in the Goodman patent, it is the processing device 14 that processes the

inputted measurement data and outputs an analytical result based on the inputted data, rather

than the Web server 16 as asserted by the Office Action. For instance, as detailed in column

15, line 14 – column 17, line 20, conditioning of raw PPG signal detected by the PPG sensor

12 takes place in the processing device 14. The processing device 14 thereby obtains digital

volume pulse (DVP) based on raw PPG signal. Then, the processing device 14 further

conducts a pulse contour analysis of the DVP signal to obtain various physiological data,

which are sent to the Web server 16. *See* column 18, line 8+, particularly column 18, lines 8-

14. In other words, the processing device 14 of the Goodman patent processes the inputted

raw PPG signal and obtains the physiological data as a result using the raw PPG signal.

Furthermore, the Web server 16 of the Goodman patent does *not* perform any analysis

that produces an analytical result based on the measurement data. Since the Web server 16

receives the physiological data that the processing device 14 obtained by processing the raw

PPG signal, the physiological data is the inputted measurement data relative to the Web

server 16. The only functions performed by the Web server 16 according to the description

of the Goodman patent are storage and transmission of the physiological data received from

the processing devices 14. More specifically, the Web server 16 receives physiological data

from a plurality of processing devices 14, stores such physiological data as well as other

related data, transmits such data to the processing devices 14, and allows third parties to

access such data. *See* column 9, lines 34-48, column 34, line – column 35, line 36. In other

words, the Web server 16 of the Goodman patent is capable of providing the physiological

data and data that are related to such physiological data. However, the Web server 16 does

not perform any process that produces an *analytical result* based on the physiological data. Clearly, the Goodman patent does not disclose or suggest the processing of the measurement data required by claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35 as now amended.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Clearly, the Goodman patent does not disclose or suggest the analysis device processing the measurement data to convert the measurement data into an analytical result. Therefore, Applicant respectfully submits that claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35 as now amended are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 2, 4, 6-7, 11-12, 18-22, 27, 30-33, 36-40 are also allowable over the prior art of record in that they depend from independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35, and therefore are allowable for the reasons stated above. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Allowable Subject Matter

In paragraph 5 of the Office Action, claims 8, 9, 13, 14 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicant has amended claims 8, 9, 13, 14 only to clarify the language. Claims 8, 9, 13, and 14 as amended above continue to depend from independent claims 5 and 10. Since claims 5

and 10 are now believed to be allowable, Applicant also believes that claims 8, 9, 13, and 14

continue to be allowable.

New Claim 41

Applicant has added a new independent claim 41 as set forth above. More

specifically, claim 41 is directed to a measurement device that is connected via a network to

an analysis device that processes a measurement data and obtains an analytical result based

on the measurement data. Applicant believes that this arrangement is not disclosed or

suggested in the Goodman patent or any other prior art.

Applicant believes that the processing device 14 and the PPG sensor 12 of the

Goodman patent respectively cannot be the "analysis device" and the "measurement device"

of claim 41 because claim 41 requires that the measurement device be connected to the

analysis device via network. Claim 41 also specifically requires that the network be one of

the internet, a public telephone network, a mobile communication network, and an ISDN.

Although the PPG sensor 12 is connected to the processing device 14, and the processing

device 14 does convert the measurement data (in this case raw PPG data) into an analytical

result (in this case physiological data), the processing device 14 and the PPG sensor 12 are

connected via a data transmission cable 13, which is not one of the required types of network.

Thus, the processing device 14 and the PPG sensor 12 of the Goodman patent respectively

cannot be interpreted as the analysis device and the measurement device of claim 41.

Applicant also believes that the Web server 16 and the processing device 14 of the

Goodman patent respectively cannot be the "analysis device" and the "measurement device"

of claim 41 because the Web server 16 of the Goodman patent does not convert the inputted

measurement data (in this case the physiological data) into an analytical result. As discussed

above, there is no disclosure or suggestion in the Goodman patent that the Web server 16
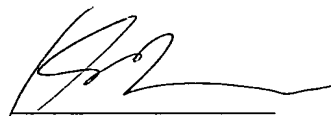
processes the inputted physiological data into an analytical result. Thus, the processing device 14 cannot transmit the physiological data to the Web server 16 to convert the physiological data into an analytical result. Therefore, the processing 14 of the Goodman patent does not have the transmission unit required by claim 41.

In view of the above comment, Applicant believes that claim 41 is not disclosed or suggested by the Goodman patent or any prior art of record.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-24, 26, 27, and 30-41 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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